



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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STEPHANIE M. VILELLA ALONSO
Assistant Corporation Counsel
Phone: (212) 356-2318
Fax: (212) 356-3559
svilella@law.nyc.gov

April 3, 2020

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

MEMO ENDORSED

Re: Terron Belle, et al., v. City of New York, et al., 19 CV 2673 (VEC)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant City of New York writes respectfully to request that the Court stay the present civil proceeding in its entirety for ninety (90) days in light of the recent developments surrounding the COVID-19 pandemic. Plaintiffs consent to this request, which is the first of such request.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well. That same day, the United States District Court for the Southern District of New York ("Southern District") issued Standing Order 20 MISC 138, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also on March 13, 2020, the Southern District issued Standing Order 20 MISC 015, which suspended and tolled service of process requirements and deadlines. On March 16, 2020, the Southern District further issued a Revised Standing Order that further limited access to courthouses.

Thereafter, on March 20, 2020, Governor Andrew Cuomo issued an executive order mandating that all non-essential businesses in New York State close, and that New York residents stay inside their homes unless participating in an essential activity. Also on March 20, 2020, the Southern District issued a memorandum to the Bar that set forth additional emergency protocols,

including limitations on courtroom use and operations for both criminal and civil matters. To comply with Governor Cuomo's latest executive order, and in light of pronouncements from other governmental and judicial officials, expert recommendations, and the further spread of COVID-19, the New York City Law Department is requiring that the vast majority of its employees work from home.

Working from home creates accessibility problems in regards to documents and files. In order to further investigate the allegations in this matter, records from the New York City Police Department (hereinafter "NYPD") are necessary. Although some documents can be accessed remotely by electronic means, many documents cannot be so accessed, because of variables such as format or size. This inaccessibility prevents defendants from having all the information necessary to, *inter alia*, fully assess cases, and otherwise conduct regular business. Defendants must regularly communicate and coordinate with the NYPD to obtain documents pertaining to cases involving allegations against members of the NYPD, and the NYPD is facing these same communication and access challenges as it pursues compliance with Governor Cuomo's executive order and seeks to protect the health and safety of the individuals in their organization. Such delays and problems are expected to continue until individuals are allowed to return to their offices.

For the reasons set forth above, this Office respectfully requests that the Court grant a stay of the instant litigation for ninety (90) days in light of the developing situation surrounding COVID-19. This will give this Office the time and opportunity needed to adjust to these new circumstances.

Thank you for your consideration herein.

Respectfully submitted,



Stephanie Michelle Vilella Alonso
Assistant Corporation Counsel

The case shall be stayed for 45 days. On or before **May 22, 2020**, the parties must file a joint update with the Court, indicating whether the stay should be continued and proposing an amended schedule. The May 1 status conference is adjourned pending further order.

SO ORDERED.

Date: 04/06/2020



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE